AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

FEDERAL REGISTER

VOLUME 4 NUMBER 8

Washington, Friday, January 13, 1939

The President

EXECUTIVE ORDER

DESIGNATING THE DIRECTOR OF PLANNING OF THE NATIONAL CAPITAL PARK AND PLANNING COMMISSION AS A MEMBER OF THE ALLEY DWELLING AUTHORITY

By virtue of and pursuant to the authority vested in me by the District of Columbia Alley Dwelling Act, approved June 12, 1934 (48 Stat. 930), the Director of Planning of the National Capital Park and Planning Commission is hereby designated as a member of the Alley Dwelling Authority *vice* the Executive Officer of the National Capital Park and Planning Commission.

Executive Order No. 6868 of October 9, 1934, designating the members of the Alley Dwelling Authority, as amended by Executive Order No. 7784–A of January 5, 1938,[1] is modified accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 11, 1939.

[No. 8033]

[F. R. Doc. 39–148; Filed, January 12, 1939; 11:31 a. m.]

Rules, Regulations, Orders

TITLE 21—FOOD AND DRUGS

FOOD AND DRUG ADMINISTRATION

PROMULGATION OF RULES OF PROCEDURE FOR HEARINGS REQUIRED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of the authority vested in the Secretary of Agriculture by the Federal Food, Drug, and Cosmetic Act (Title 21 U. S. C. 301 et seq.; 52 Stat. 1040 et seq.), and in order to carry out the powers vested in him by the said act, the following rules of procedure, for hearings required thereunder, are hereby prescribed and promulgated.

[1] 3 F. R. 63 DI.

ARTICLE I—DEFINITIONS

SECTION 1. As used in these rules:

(a) The term "Act" means the Federal Food, Drug, and Cosmetic Act of 1938, approved June 25, 1938.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, South Building, Independence Avenue, between 12th and 14th Streets, S. W., Washington, D. C.

(d) The term "Federal Register" means the publication provided by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(e) The term "interested person" includes an individual, partnership, corporation, receiver, trustee, or association.

ARTICLE II—HEARING AND NOTICE THEREOF

SECTION 1. *Hearings under Section 701 (e) of the Act.*—Whenever the Secretary, on his own initiative, or upon application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall make a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of this act: 401, 403 (j), 404 (a), 406 (a) and (b), 501 (b), 502 (d), 502 (h), 504, and 604, a public hearing shall be held upon such proposal.

SEC. 2. *Notice of hearing.*—(a) The Secretary shall give appropriate notice of the hearing. The notice shall set forth the proposal in general terms and specify the time and place for the public hearing to be held thereon not less than thirty days after the date of the notice, except that the public hearing on regulations under section 404 (a) of the act may be held within a reasonable time, to be fixed by the Secretary, after notice thereof.

(b) Notice shall be given by filing the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

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FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1 per month or $10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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SEC. 3. *Designation and powers of presiding officer.*—(a) Each such hearing shall be conducted by a presiding officer, who shall be the Secretary or such officer or employee of the Department as the Secretary may designate for that purpose. Any such designation may be made or revoked by the Secretary at any time. Such hearing shall be conducted so as to afford a full, fair, and adequate hearing, requiring substantial evidence. The presiding officer shall have power to admit or exclude any evidence presented and to limit the scope of any evidence admitted or of any examination or cross-examination, in accordance with the rules of evidence applicable in administrative proceedings.

(b) The hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued from day to day or adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officer.

ARTICLE III—PROCEDURE AT HEARING

SECTION 1. *Submission of evidence at hearing.*—All interested persons shall be given reasonable opportunity to offer evidence with respect to matters specified in the notice of hearing. The presiding officer shall require all interested persons present at a hearing to note their appearances and for whom they appear. Each witness shall, before proceeding to testify, be sworn or make affirmation, after which he shall state his name, address, occupation, and whom he represents, and shall give such other information respecting his appearance as the presiding officer may request. When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify as to the same matter, or the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence. The presiding officer shall admit only relevant and material evidence. Affidavits, if relevant and material, may be received, and marked as exhibits, but the Secretary will consider the lack of opportunity for cross-examination in determining their weight. Opinion evidence may be admitted when the presiding officer is satisfied that the witness is properly qualified.

If any person objects to the admission of any evidence, or to the rejection of any evidence, or to the limitation of the scope of any examination or cross-examination, he shall state the grounds of such objection.

SEC. 2. *Order of procedure.*—(a) The presiding officer shall have noted on the record his designation as presiding officer and the notice of hearing and the proposal set forth therein as filed with the Archivist of the United States. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation, such notice and such proposal. If the designation does not appear in the FEDERAL REGISTER, the presiding officer shall file as an exhibit the order of the Secretary designating him to preside.

(b) Evidence shall then be received with respect to the subject matter of the hearing in such order as the presiding officer may prescribe, so as to accord a full, fair, and adequate hearing.

All persons who appear at the hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

SEC. 3. *Transcript of the evidence.*—Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall be marked for identification and, upon satisfactory showing of their authenticity, relevancy, and materiality, shall be, in the discretion of the presiding officer, received and marked as exhibits in evidence. Such exhibits shall, if possible under the circumstances, be submitted in quintuplicate and in typewritten, printed or mimeographed form. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiries relating to the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

SEC. 4. *Written arguments; proposed findings of fact.*—The presiding officer may announce at the hearing a reasonable period within which interested persons may file, with the Hearing Clerk, written arguments, proposed findings of fact, or both, based solely on the evidence at the hearing. Such period may, upon application to the presiding officer, be extended by him, for good cause, for a reasonable time.

SEC. 5. *Filing the transcript of the evidence.*—The presiding officer shall, as soon as practicable after the close of a hearing, notify the Hearing Clerk of its close and of the time for filing written arguments, and furnish the Hearing Clerk with such other information as may be necessary. As soon as practicable after the close of the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of exhibits not already on file with the Hearing Clerk. He shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the three copies of the transcript of evidence. In accordance with such certificate, the Hearing Clerk shall note upon the original and each copy of the transcript each correction detailed therein by adding or crossing out at the appropriate place any words necessary to make the text conform to the correct meaning.

SEC. 6. *Copies of the transcript of the testimony, etc.*—Any person desiring a copy of the transcript of the testimony or of any written exhibit, or proposed findings of fact, or written argument, shall be entitled to the same upon application to the Hearing Clerk and upon payment of fees therefor as provided by regulation 1532 of the General Regulations, United States Department of Agriculture.

SEC. 7. *Issuance of suggested findings of fact, conclusions and order; transmittal of record—Order of procedure.*—The presiding officer, within a reasonable time after the termination of the period

allowed for the filing of written arguments, proposed findings of fact, or both, as provided in section 4 of this article, shall prepare, upon the basis of the evidence received at the hearing, suggested findings of fact, conclusions and order, which shall be served upon the interested persons whose appearances were entered at the hearing by publication in the FEDERAL REGISTER and by mailing a copy of such issue of the FEDERAL REGISTER to each of them by registered mail. Within ten days after the receipt of such copy of the FEDERAL REGISTER, and such interested person who wishes to object to any matter set out in the suggested findings of fact, conclusions and order shall transmit such objection in writing to the Hearing Clerk. At the same time, such interested persons shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer at the hearing, as set out in section 1 of this article, upon which he wishes to rely, referring, where relevant, to the pages of the transcript of evidence. The presiding officer shall then transmit to the Secretary the record of the proceedings. Such record shall include: a transcript of the evidence taken at the hearing, such written arguments and proposed findings of fact as may have been filed in connection with the hearing, the suggested findings of fact, conclusions and order of the presiding officer, and the objections filed thereto, if any.

SEC. 8. *Oral argument.*—Unless the presiding officer shall issue an announcement authorizing oral argument before him, it shall not be permitted.

ARTICLE IV—ISSUANCE OF FINAL ORDER

SECTION 1. *Order of procedure.*—The Secretary, within a reasonable time after the receipt of the record from the presiding officer, as provided in section 7 of Article III, will, upon the basis of such record, and after careful consideration of the same by him, make his detailed findings of fact based upon substantial evidence contained in such record and issue his order prescribing and promulgating the regulations which he concludes from his findings should be made.

SEC. 2. *Notice of issuance of order.*—Whenever any final order of the Secretary promulgating any regulation, or revising or amending any existing regulation, is issued, a duplicate original thereof shall thereupon be filed with the Archivist of the United States and also filed with the Hearing Clerk for public inspection, and such order shall be published in the FEDERAL REGISTER.

SEC. 3. *Copies of orders.*—Upon application to the Hearing Clerk, any person shall be entitled to a copy of any final order promulgating, revising or amending any regulation.

ARTICLE V.—REVISING OR AMENDING REGULATIONS

SECTION 1. *Order of procedure.*—The procedure provided in these rules of procedure for hearings shall be applicable to a hearing for the purpose of revising or amending any existing regulations.

ARTICLE VI.—PUBLIC NOTICE OF FOREGOING REGULATIONS

SECTION 1. *How given.*—Public notice of the issuance of the foregoing rules of procedure for hearings shall be given by—

(a) Publication in the FEDERAL REGISTER, and

(b) Issuing a press release containing a description of such rules and thereafter making available in the office of the Hearing Clerk copies of such rules.

In testimony whereof, I, have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed hereto on this 12th day of January, 1939, in the City of Washington, District of Columbia.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39–151; Filed, January 12, 1939; 11:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

FARM CREDIT ADMINISTRATION

[FCA-116]

THE FEDERAL LAND BANK OF COLUMBIA

PARTIAL RELEASE OF SECURITY FEES

Section 23.4 of Title 6, Code of Federal Regulations, as amended August 9, 1938 (3 F. R. 1962 DI), is amended to read as follows:

"SEC. 23.4 *Partial release of security fees.* The following fees shall be charged in connection with applications for partial release of security:

Type of loan	*Fee*
Land Bank Commissioner loan	$10.00
Direct Federal land bank loan	12.50
Land bank loan through national farm loan association	17.50

"If an application for partial release is submitted simultaneously with an application for a new loan on the same security, or on the same and additional security, the regular new loan application fee will be charged in connection with the new loan application, and in addition, a partial release fee of $7.50 will be charged in connection with the partial release application, except that when the security desired to be released is covered by a loan made through a national farm loan association the partial release fee will be $12.50.

"However, a fee of $3 only will be charged in connection with applications for partial release of security on bank and Commissioner loans where the acreage desired to be released is five acres, or less; provided, that in cases where, in the opinion of the bank, such release is not considered inconsequential, an additional fee, which when added to the $3 fee will equal the regular fee prescribed in connection with applications for partial release of security, shall be charged.

"The following additional fees shall be charged in connection with applications for timber releases:

Sale price of timber	*Fee*
Up to and including $2000	$15.00
$2,001–$3,000	20.00
$3,001–$4,000	25.00
$4,001–5,000	30.00
$5,001 and up	35.00

These fees are not collected in advance, but are paid from the proceeds of the sale of the timber. (Sec. 13 'Ninth', 39 Stat. 372, 12 U. S. C. 781 'Ninth'; Sec. 32, 48 Stat. 48, as amended, 12 U. S. C. 1016; Sec. 1, 48 Stat. 344, 12 U. S. C. 1020; Sec. 2, 48 Stat. 345, 12 U. S. C. 1020a) [Res. Bd. Dir., Dec. 20, 1938]"

[SEAL] THE FEDERAL LAND BANK OF COLUMBIA,
By RUFUS R. CLARKE,
Vice-President and Secretary.

[F. R. Doc. 39–153; Filed, January 12, 1939; 12:14 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 27 to Declaration No. 12[1]]

DECLARING NAMES OF COUNTRIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JANUARY 3, 1939.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936,[2] the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Kern, January 3, 1942; Madera, January 3, 1942; San Luis Obispo, January 3, 1942.

Puerto Rico: Rio Piedras, January 3, 1942.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Cleburne, January 3, 1942; Cullman, January 3, 1942; Fayette, January 3, 1942.

Arkansas: Johnson, January 3, 1942; Sebastian, January 3, 1942.

Florida: Hernando, January 3, 1942; Osceola, January 3, 1942.

Idaho: Franklin, January 3, 1942.

Indiana: Elkhart, January 3, 1942; Franklin, January 3, 1942; Monroe, January 3, 1942; Vanderburg, January 3, 1942.

Iowa: Hancock, January 3, 1942; Ringgold, January 3, 1945; Sac, Janu-

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F. R. 1338.

ary 3, 1942; Winneshiek, January 3, 1942.

Kansas: Butler, January 3, 1942; Douglas, January 3, 1942; Geary, January 3, 1942; Meade, January 3, 1942; Osage, January 3, 1942; Wyandotte, January 3, 1942.

Kentucky: Garrard, January 3, 1942.

Michigan: Alcona, January 3, 1942; Alpena, January 3, 1942; Benzie, January 3, 1942; Lake, January 3, 1942; Lapeer, January 3, 1942; Roscommon, January 3, 1942.

Minnesota: Douglas, January 3, 1945; McLeod, January 3, 1942; Steele, January 3, 1945; Todd, January 3, 1942.

Mississippi: Clarke, January 3, 1942; Lawrence, January 3, 1942; Newton, January 3, 1942.

Missouri: Cole, January 3, 1942.

Nebraska: Butler, January 3, 1942; Furnas, January 3, 1942; Garfield, January 3, 1942.

New Jersey: Essex, January 3, 1941; Sussex, January 3, 1941.

North Carolina: Gates, January 3, 1942; Hertford, January 3, 1942.

North Dakota: Billings, January 3, 1942; Dunn, January 3, 1945; Mercer, January 3, 1945; Oliver, January 3, 1945; Sheridan, January 3, 1945.

Ohio: Auglaize, January 3, 1942; Trumbull, January 3, 1942.

Oklahoma: Ellis, January 3, 1942; Osage, January 3, 1942.

Oregon: Clackamas, January 3, 1942; Clatsop, January 3, 1942; Columbia, January 3, 1942; Coos, January 3, 1942; Curry, January 3, 1942; Douglas, January 3, 1942; Harney, January 3, 1942; Klamath, January 3, 1942; Lake, January 3, 1942; Lane, January 3, 1942; Lincoln, January 3, 1942; Linn, January 3, 1942; Malheur, January 3, 1942; Multnomah, January 3, 1942; Polk, January 3, 1942; Tillamook, January 3, 1942; Wallowa, January 3, 1942; Wasco, January 3, 1942; Washington, January 3, 1942; Wheeler, January 3, 1942; Yamhill, January 3, 1942.

Pennsylvania: Centre, January 3, 1942.

South Carolina: Beaufort, January 3, 1942; Jasper, January 3, 1942.

South Dakota: Corson, January 3, 1942; Marshall, January 3, 1942; Pennington, January 3, 1942; Ziebach, January 3, 1942.

Utah: Garfield, January 3, 1942; Kane, January 3, 1942.

Virginia: Stafford, January 3, 1942.

West Virginia: Marshall, January 3, 1942.

Wyoming: Laramie, January 3, 1942.

Declaration No. 12, dated October 1, 1936,[3] as amended, is hereby further amended accordingly.

[SEAL] J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 39–152; Filed, January 12, 1939; 11:57 a. m.]

[3] 1 F. R. 2024.

TITLE 30—MINERAL RESOURCES

NATIONAL BITUMINOUS COAL COMMISSION

[Order No. 258]

COST AND REALIZATION DATA REPORTS FROM PRODUCERS

AN ORDER REQUIRING REPORTS TO BE VERIFIED UNDER OATH

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission orders and directs:

1. That Paragraph 4 of Order No. 252[1] be amended to read as follows:

"4. That annual reports required to be filed under this Order shall be duly verified before an officer authorized to administer oaths, by the producer if an individual, by a member of the firm if a partnership, or if a corporation, by a responsible officer thereof who is familiar with the facts."

2. That Order No. 252, except as modified herein, shall remain in full force and effect.

That the Secretary of the Commission shall cause to be mailed a copy of this Order to each known producer within the United States whose mine or mines come within the description of Paragraph 1 of Order No. 252, to the Secretary of the Bituminous Coal Producers Board for each of the several districts, and to the Consumers' Counsel, and shall cause a copy of this Order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of January, 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–146; Filed, January 12, 1939; 11:22 a. m.]

TITLE 43—PUBLIC LANDS

GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 153, WYOMING NO. 23, ENLARGED

JANUARY 4, 1939.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 153, Wyoming No. 23, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 15 N., R. 81 W.,
sec. 7, N½, E½SW¼, SE¼,
sec. 18, N½NE¼, SE¼NE¼, SE¼SW¼,
sec. 19, W½E½,
sec. 20, E½W½,
sec. 29, NE¼, E½NW¼,
sec. 30, W½SE¼, SE¼SE¼,
sec. 31, E½;
aggregating 1,711.31 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39–145; Filed, January 12, 1939; 9:48 a. m.]

[1] 3 F. R. 2475 DI.

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 13]

REPEAL OF DIVISION INSTRUCTION NO. 5

By virtue of and pursuant to the authority vested in me by Section 4 (c) of the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, hereby repeal Division Instruction No. 5, approved by the Administrator October 28, 1938 and published in the FEDERAL REGISTER November 26, 1938.[1]

Signed at Washington, D. C., this 11th day of January, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39–143; Filed, January 11, 1939; 12:20 p. m.]

[Administrative Order No. 14]

DEPUTY ADMINISTRATOR AUTHORIZED TO ACT AS ADMINISTRATOR

By virtue of and pursuant to the authority vested in me by Section 4 (c) of the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, authorize the Deputy Administrator, Paul Sifton, to act as Administrator and to exercise any or all of the powers of the Administrator under the Fair Labor Standards Act of 1938, when the Administrator is unable to act by reason of sickness or absence from Washington.

[1] 3 F. R. 2777 DI.

Signed at Washington, D. C., this 11th day of January, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39–144; Filed, January 11, 1939; 12:20 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT–5514 and IT–5515]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

ORDER PROVIDING FOR FURTHER HEARING

JANUARY 10, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

At the hearing in the above matters which was concluded on October 26, 1938, witnesses who appeared on behalf of Southwestern Light & Power Company testified that the interconnections with West Texas Utilities Company at Quanah, Texas, and Vernon, Texas, were to be opened on November 1, 1938, and that thereafter no electric energy was to be received by Southwestern Light & Power Company from that source. Reports from West Texas Utilities Company, however, indicate that Southwestern Light & Power Company has continued to receive electric energy from West Texas Utilities Company over these two interconnections and a new agreement has been entered into between the parties providing for the continuous delivery of electric energy over these interconnections by West Texas Utilities Company to Southwestern Light & Power Company;

The Commission orders that:

A hearing be held at 10:00 o'clock a. m., on the 31st day of January, 1939, in the Hearing Room of the Federal Power Commission, in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of receiving testimony and evidence as to the receipt of electric energy by Southwestern Light & Power Company from West Texas Utilities Company from and after November 1, 1938, and arrangements made for the future delivery of electric energy over the interconnections at Quanah, Texas, and Vernon, Texas.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39–150; Filed, January 12, 1939; 11:43 a. m.]

[Project No. 943]

IN THE MATTER OF PUGET SOUND POWER & LIGHT COMPANY, LICENSEE

ORDER POSTPONING HEARING

JANUARY 11, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, concurring. John W. Scott, dissenting. Basil Manly, not participating.

It appearing to the Commission that:

By order of the Commission, adopted October 14, 1938,[1] a public hearing in the above cause was set for February 1, 1939;

The Commission on its own motion orders that:

The public hearing in the above cause now set for February 1, 1939, be and the same is hereby postponed to March 13, 1939, at the same time and place.

By the Commission.

[SEAL] Leon M. Fuquay.
Secretary.

[F. R. Doc. 39–149; Filed, January 12, 1939; 11:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 11th day of January, A. D. 1939.

[File No. 60–6]

IN THE MATTER OF ASSOCIATED GENERAL UTILITIES COMPANY

ORDER FOR POSTPONEMENT

It appearing that the Commission, pursuant to Section 2 (a) (8) (B) of the Public Utility Holding Company Act of 1935, has ordered that a hearing be held on January 23, 1939,[1] to determine whether or not an order of the Commission should issue declaring Associated General Utilities Company to be a subsidiary company of Associated Gas and Electric Company and Associated Gas and Electric Corporation.

It further appearing to the Commission that Associated General Utilities Company has requested that said hearing be postponed for the reason that counsel for said company will, on said date, be engaged on other matters.

It is therefore ordered, That the hearing in the above mentioned matter be, and the same hereby is, postponed until the 30th day of January, 1939, at ten o'clock A. M., at the offices of the Securities and Exchange Commission in Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where the hearing will be held.

Notice of such hearing is hereby given to Associated General Utiliites Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 25, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–147; Filed, January 12, 1939; 11:25 a. m.]

[1] 3 F. R. 2502 DI.

[1] 4 F. R. 73 DI.